



April 9, 2001

ENGROSSED SENATE BILL No. 376

DIGEST OF SB 376 (Updated April 4, 2001 11:12 AM - DI 97)

Citations Affected: IC 20-6.1; IC 20-8.1; IC 34-30.

Synopsis: Drug-free schools policy exception, and principal evaluation. Provides that a school principal's performance evaluation may not be based wholly on ISTEP scores of students in the principal's school, but the scores may be used as one factor in the evaluation. Provides that a school corporation's discipline policy must allow a student with an acute or chronic disease or medical condition to possess and self-administer medication that must be administered on an emergency basis while the student is on school grounds or off school grounds at a school activity, function, or event if the student's parent files an annual authorization that includes a written statement from the student's physician for the student to self-administer the medication. Prohibits a school from sending medication home with a student. Specifies individuals to whom medication may be released. Allows a school to send medication home with a high school student if the student's parent has given written permission. Provides that a school or school board is not civilly liable for damages as a result of self-administration in compliance with the law except for gross negligence or willful and wanton misconduct.

Effective: Upon passage; July 1, 2001.

Wyss, Sipes, Gard

(HOUSE SPONSORS — BROWN C, GOEGLEIN, HASLER, FRIZZELL,
PORTER)

January 18, 2001, read first time and referred to Committee on Health and Provider Services.

February 8, 2001, amended, reported favorably — Do Pass.

February 12, 2001, read second time, ordered engrossed. Engrossed.

February 15, 2001, read third time, passed. Yeas 48, nays 0.

HOUSE ACTION

February 26, 2001, read first time and referred to Committee on Education.

April 9, 2001, amended, reported — Do Pass.

ES 376—LS 7995/DI 71+



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April 9, 2001

First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

ENGROSSED SENATE BILL No. 376

A BILL FOR AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 20-6.1-4-17.4 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE UPON PASSAGE]: **Sec. 17.4. The evaluation of a**
4 **principal's performance may not be based wholly on the ISTEP**
5 **program test scores under IC 20-10.1-16 of the students enrolled**
6 **at the principal's school. However, the ISTEP program test scores**
7 **under IC 20-10.1-16 of the students enrolled at a principal's school**
8 **may be considered as one (1) of the factors in the evaluation of the**
9 **principal's overall performance at the school.**

10 SECTION 2. IC 20-8.1-5.1-0.5 IS ADDED TO THE INDIANA
11 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
12 [EFFECTIVE JULY 1, 2001]: **Sec. 0.5. As used in this chapter,**
13 **"physician" means an individual licensed to practice medicine or**
14 **osteopathic medicine under IC 25-22.5 or the law of another state.**

15 SECTION 3. IC 20-8.1-5.1-7.5 IS ADDED TO THE INDIANA
16 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
17 [EFFECTIVE JULY 1, 2001]: **Sec. 7.5. (a) Discipline rules adopted**

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under section 7 of this chapter must provide that a student with a chronic disease or medical condition may possess and self-administer medication for the chronic disease or medical condition during the times and in the places set forth under section 8(b) of this chapter if the following conditions are met:

(1) The student's parent has filed an authorization with the student's principal for the student to possess and self-administer the medication. The authorization must include the statement described in subdivision (2).

(2) A physician states in writing that:

(A) the student has an acute or chronic disease or medical condition for which the physician has prescribed medication;

(B) the student has been instructed in how to self-administer the medication; and

(C) the nature of the disease or medical condition requires emergency administration of the medication.

(b) The authorization and statement described in subsection (a) must be filed with a student's principal annually.

SECTION 4. IC 20-8.1-7-22 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 22. (a) This section does not apply to medication possessed by a student for self-administration under IC 20-8.1-5.1-7.5.

(b) Except as provided in subsection (d), a school corporation may not send home with a student medication that is possessed by a school for administration during school hours or at school functions.

(c) Medication that is possessed by a school for administration during school hours or at school functions for a student in grades kindergarten through grade 8 may be released only to:

(1) the student's parent; or

(2) an individual who is:

(A) at least eighteen (18) years of age; and

(B) designated in writing by the student's parent to receive the medication.

(d) A school corporation may send home medication that is possessed by a school for administration during school hours or at school functions with a student in grades 9 through 12 if the student's parent provides written permission for the student to receive the medication.

SECTION 5. IC 34-30-14-6 IS ADDED TO THE INDIANA CODE



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1 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
2 1, 2001]: **Sec. 6. A school or school board is not liable for civil**
3 **damages as a result of a student's self-administration of medication**
4 **for an acute or chronic disease or medical condition as provided**
5 **under IC 20-8.1-5.1-7.5 except for an act or omission amounting to**
6 **gross negligence or willful and wanton misconduct.**
7 **SECTION 6. An emergency is declared for this act.**

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SENATE MOTION

Mr. President: I move that Senator Gard be added as coauthor of Senate Bill 376.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill No. 376, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 20-8.1-5.1-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 0.5. As used in this chapter, "physician" means an individual licensed to practice medicine or osteopathic medicine under IC 25-22.5.**"

Page 1, line 12, delete "certification" and insert "statement".

Page 1, delete lines 13 through 16, begin a new line block indented and insert:

"(2) A physician states in writing that:

(A) the student has an acute or chronic disease or medical condition for which the physician has prescribed medication;

(B) the student has been instructed in how to self-administer the medication; and

(C) the nature of the disease or medical condition requires emergency administration of the medication."

Page 1, line 17, delete "certification" and insert "statement".

Page 2, after line 1, begin a new paragraph and insert:

"SECTION 3. IC 20-8.1-7-22 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 22. (a) This section does not apply to medication possessed by a student for self-administration under IC 20-8.1-5.1-7.5.**

(b) Except as provided in subsection (d), a school corporation may not send home with a student medication that is possessed by a school for administration during school hours or at school functions.

(c) Medication that is possessed by a school for administration during school hours or at school functions for a student in grades kindergarten through grade 8 may be released only to:

(1) the student's parent; or

(2) an individual who is:

(A) at least eighteen (18) years of age; and

(B) designated in writing by the student's parent to receive



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the medication.

(d) A school corporation may send home medication that is possessed by a school for administration during school hours or at school functions with a student in grades 9 through 12 if the student's parent provides written permission for the student to receive the medication."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 376 as introduced.)

MILLER, Chairperson

Committee Vote: Yeas 8, Nays 0.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred Senate Bill 376, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 20-6.1-4-17.4 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 17.4. The evaluation of a principal's performance may not be based wholly on the ISTEP program test scores under IC 20-10.1-16 of the students enrolled at the principal's school. However, the ISTEP program test scores under IC 20-10.1-16 of the students enrolled at a principal's school may be considered as one (1) of the factors in the evaluation of the principal's overall performance at the school.**".

Page 1, line 5, after "25-22.5" delete "." and insert "**or the law of another state.**".

Page 2, after line 32, begin a new paragraph and insert:

"SECTION 5. IC 34-30-14-6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 6. A school or school board is not liable for civil damages as a result of a student's self-administration of medication for an acute or chronic disease or medical condition as provided under IC 20-8.1-5.1-7.5 except for an act or omission amounting to gross negligence or willful and wanton misconduct.**".

"SECTION 6. **An emergency is declared for this act.**".

Re-number all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 376 as printed February 9, 2001.)

PORTER, Chair

Committee Vote: yeas 14, nays 0.

ES 376—LS 7995/DI 71+



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